

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 2:04CR113

DONALD RAY TERRY

ORDER

This cause is before the Court on the government's Motion for Continuance [44]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for September 19, 2005. Counsel for the government represents in the motion that one of the government's witnesses, Chris Bishop of the DEA TFA, has been assigned to hurricane recovery and law enforcement duty on the Mississippi Gulf Coast for the next 30 to 45 days. As a result of the emergency created by hurricane Katrina, Agent Bishop will be unavailable for the trial set to begin September 19, 2005. The government avers in the motions that Agent Bishop's testimony is essential to the trial of the case.

These circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from September 19, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(3)(A) for the reasons outlined in the foregoing paragraph.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The government's Motion for Continuance [44] is GRANTED;
2. That the trial of this matter is continued until Monday, November 7, 2005 at 9:00

a.m. in the United States District Courthouse in Greenville, Mississippi; multiple voir dire is to be held at the same time and place;

3. That the delay from September 19, 2005 until November 7, 2005 is excluded as set out above;
4. That the deadline for filing pretrial motions is October 17, 2005;
5. That the deadline for submitting a plea agreement is October 24, 2005.

SO ORDERED, this the 8th day of September, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE